

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

ERIC GRIFFIN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-12-926-D
	)	
PAUL A. KASTNER, Warden, <i>et al.</i> ,	)	
	)	
Respondents.	)	

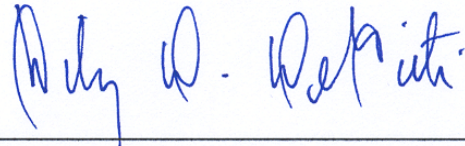
**ORDER**

This matter is before the Court for review of the Report and Recommendation [Doc. No. 15] issued by United States Magistrate Judge Bana Roberts pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Upon initial screening, Judge Roberts recommends that the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 be dismissed without prejudice to the pursuit of another petition filed in the United States District Court for the Western District of Missouri, where Petitioner is now located, against his current custodian. Judge Roberts also recommends the denial of all pending motions as moot.

The record reflects that Petitioner has neither filed a timely objection to the Report nor requested additional time to object. The Court therefore finds that Petitioner has waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Also, upon *de novo* consideration of the issues, the Court finds that Judge Roberts' analysis is correct. The Court concurs in the recommendation to dismiss the Petition without prejudice to the pursuit of Petitioner's separate action against his current custodian.

IT IS THEREFORE ORDERED that the Court adopts the Report and Recommendation [Doc. No. 15] in its entirety. The action is dismissed without prejudice, and all pending motions are denied. A separate judgment shall be entered accordingly.

IT IS SO ORDERED this 22<sup>nd</sup> day of October, 2012.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive, flowing style. The first name "Timothy" is written with a large, stylized 'T'. The middle initial "D." is written with a large 'D' and a period. The last name "DeGiusti" is written with a large 'D' and a stylized 'G'.

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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE